

MINUTES
SENATE STATE AFFAIRS COMMITTEE

DATE: Monday, March 02, 2020

TIME: 8:00 A.M.

PLACE: Room WW55

MEMBERS PRESENT: Chairwoman Lodge, Vice Chairman Harris, Senators Hill, Winder, Vick, Anthon, Souza, Stennett, and Buckner-Webb

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairwoman Lodge** called the meeting of the Senate State Affairs Committee (Committee) to order at 8:00 a.m.

RS 27831 RELATING TO FIREARMS to allow school employees to maintain a concealed weapon on school property under the provisions outlined in this bill.

Senator Lakey, District 12, stated that **RS 27831** is a straightforward bill allowing school employees with an enhanced concealed weapons license to carry a concealed weapon on school property. He explained it requires the school employee to keep their firearm under their direct control at all times, i.e. on their person and concealed in their clothing. **Senator Lakey** added that school employees wishing to carry a firearm must provide a confidential copy of their enhanced license to school officials who can then share the information with the school board and law enforcement. He pointed out that a teacher cannot be forced to carry and has no duty to carry or use the firearm.

MOTION: **Senator Anthon** moved to send **RS 27831** to print. **Senator Souza** seconded the motion. The motion carried by **voice vote**.

RS 27868 RELATING TO ABORTION to add a new section to Chapter 6, Title 18, Idaho Code.

Senator Lakey, District 12, informed the Committee that **RS 27868** establishes a code provision that becomes effective upon a decision by the U. S. Supreme Court or an amendment to the United States Constitution returning authority to the states to prohibit abortion. He noted that at that time the statute would:

- provide that performing an abortion would be a crime for the person performing the abortion, not the pregnant woman receiving the abortion, and
- provide affirmative defenses for the life of the woman, or for rape and incest which require documentation.

MOTION: **Senator Harris** moved to send **RS 27868** to print. **Senator Vick** seconded the motion. The motion carried by **voice vote**. **Senator Stennett** and **Senator Buckner-Webb** were recorded as voting nay.

RS 27870 RELATING TO DAYLIGHT SAVING TIME to provide that Daylight Saving Time would be permanent within the state under certain circumstances.

Senator Patrick District 25, advised the Committee that **RS 27870** deals with daylight saving time and the Mountain time zone. He explained that surrounding states with which Idaho engages in business, as well as northern Idaho, are working toward legislation to stay on daylight saving time. **Senator Patrick** pointed out that if those states passed their legislation, Idaho would be the only one changing times.

MOTION: **Senator Vick** moved to send **RS 27870** to print. **Senator Winder** seconded the motion. The motion carried by **voice vote**.

Chairwoman Lodge announced that **RS 27897** would be moved to the end of the agenda.

H 502 **RELATING TO WINE AND BEER** to remove a requirement for "native grown product" and to define amounts of beer to be produced at home.

Senator Johnson, District 6, stated that **H 502** makes corrections to Idaho Code § 23-501. He explained that this law originally referred to natural wine and native products that did not include beer. Beer was added later for home brewing.

Senator Johnson explained that this legislation removes the requirement for native materials as home brewers may be using products that are not considered native products. He noted that the bill also sets forth limitations on production to align with federal rules.

MOTION: **Senator Anthon** moved to send **H 502** to the floor with a **do pass** recommendation. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

S 1365 **RELATING TO ALCOHOL** to revise provisions regarding alcohol content of beer.

Senator Crabtree, District 7, presented **S 1365** explaining that the bill changes the measurement of beer from weight to volume, and changes distribution of tax money from the Idaho Grape Growers and Wine Producers Commission (Commission) to the General Fund. He added that the tax change would be phased in over a three-year period.

Discussion ensued amongst Senator Crabtree and Committee members regarding weight vs. volume, the percentage of alcohol in beer and at what level it is taxed the same as wine, and the use of the tax money that has gone into the Commission's funds.

TESTIMONY: **David Arkoosh**, Executive Director, Idaho Beer Alliance (IBA), spoke in opposition to **S 1365** as it is premature. He pointed out that there is no better use for the money and it is taking away from the Commission. He reviewed several concerns such as the amount of money is not significant to the General Fund but is enough for the Commission to hire more staff. Also, there is not other place for the money to go and the beer industry does get some benefits from the Commission. **Mr. Arkoosh** provided the history about this bill and stated they have not heard from a single brewery about moving the money. He stated the IBA request the Committee hold the bill until more work can be done. Discussion continued among Mr. Arkoosh and members of the Committee regarding the current status of beer including the alcohol content in beer, the ways the Commission has helped the beer industry, and the number of breweries involved in the IBA.

The following spoke in support of **S 1365**:

- Jerry Larson, Mansweet Brewing, member of IBA and Idaho Brewers Association
- Daniel Love, President of Idaho Brewers Union (IBU)
- Sheila Francis, Executive Director, IBA
- Jeremy Pisca, Idaho Beer and Wine Distributors (IGW)
- Roger Batt, Idaho Grape and Wine Commission

The following reasons to support **S 1365** included an explanation about the percentage of the alcohol content in various types of beer, it clarifies the use of tax money to promote beer and wine, the language eliminates the overlapping and conflicting provisions of the statute, and the bill clarifies statute in separating beer from wine.

MOTION: **Senator Souza** moved to send **S 1365** to the floor with a **do pass** recommendation. **Senator Stennett** seconded the motion.

DISCUSSION: **Senator Anthon** expressed concern regarding the industry conflict, as well as problems inside the code needing corrections. **Chairwoman Lodge** commented she was concerned about the change in funding, but she was confident that the industry will be able to work through the issues.

VOICE VOTE: The motion to send **S 1365** to the floor with a **do pass** recommendation carried by **voice vote**.

S 1363 **RELATING TO THE IDAHO ADMINISTRATIVE PROCEDURE ACT** to establish an independent Office of Administrative Hearings.

Senator Burgoyne, District 16, explained the amendments which would enable the Department of Health and Welfare (Department) to comply with this legislation. **Senator Burgoyne** pointed out that most of the changes were minor, except on page 12 where provisions were made to accommodate the Department's needs. He explained the transition timing in which the Office of Administrative Hearings is to commence conducting department-contested case hearings. **Senator Burgoyne** advised the Committee that the Personnel Commission is not covered by this legislation. He asked that **S 1363** be sent to the 14th Order of Business.

Senator Anthon indicated one of the concerns for this kind of a change in Idaho is that we may lose federal funding. **Senator Burgoyne** replied that the amendments should resolve that issue.

TESTIMONY: **Brian Kane**, Attorney General's Office (AGO), stated the AGO has been working with Senator Burgoyne, but AGO still has two issues on which they disagree. He advised that the first issue is excluding any attorney currently working for the State from being considered as the chief administrative hearing officer. **Mr. Kane** explained why experienced people should be considered. **Mr. Kane** noted that the second issue is that hard deadlines are set. He asserted that the advisory council that has been set up to help organize the Office of Administrative Hearings could efficiently manage the details of the transition without hard deadlines.

Discussion continued among **Mr. Kane**, **Senator Stennett**, **Senator Souza**, and **Senator Burgoyne** regarding the following the exclusion of attorneys currently working for the State, whether the exclusion is a transparency or conflict of interest issue, using a segment of the current agency to establish the new agency, and the responsibilities of the Governor and the advisory council.

MOTION: **Vice Chairman Harris** moved to send **S 1363** to the 14th Order of Business for possible amendment. **Senator Stennett** seconded the motion. The motion carried by **voice vote**.

RS 27897 **RELATING TO VITAL STATISTICS** to add a new section to Idaho Code to provide for changing the sex indicator on a birth certificate.

Senator Martin, District 15, reminded the Committee that two years ago there was a ruling against the State in respect to birth certificates and the gender marker. He noted that at this time all states are complying with the ruling. The Attorney General's opinion is that **RS 27897** complies with court opinions addressing the rights of transgender people and the equal protection clause of the 14th amendment. **Senator Martin** gave an explanation of **H 509** regarding this issue which is also being presented this session.

DISCUSSION: A discussion ensued among **Senators Martin**, **Souza**, and **Stennett** regarding age restrictions on requesting a gender marker change, the processes involved in having both a house bill and a senate bill addressing the same issue concurrently, and having **RS 27897** printed for public perusal.

MOTION: **Senator Hill** moved to send **RS 27897** to print. **Senator Buckner-Webb** seconded the motion. The motion carried by **voice vote**.

ADJOURNED: There being no further business at this time, **Chairwoman Lodge** adjourned the meeting at 9:27 a.m.

Senator Lodge, Chair

Twyla Melton, Secretary

Carol Cornwall
Assistant Secretary